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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/990,766
Filing Date: November 21, 2001
Appellant(s): HINDE ET AL.

Mr. Robert Popa
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/5/2005 appealing from the Office action

mailed 4/28/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is substantially correct. The following change is noted:

Issue 2: whether claims 16 and 34 are patentable under 35 U.S.C. 103(a) over Allinger in view of US Patent No. 6259795, to McGrath.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Allinger et al. (DE 19747745, incorporated by reference).

Scott et al. (WO 00/30329, incorporated by reference).

6144991	England	2-1998
6259795	McGrath	7-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1.   Claims 1-6, 8, 10-20, 22-24, 26, and 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Allinger (DE Patent No. 19747745).

2.   Regarding claim 1, Allinger discloses a method of voice interaction with a group of one or more entities, comprising: upon a user approaching any entity of the group, automatically initiating provision of a group-related voice service to that user by joining

the user into a communication session established for the service and common to all

users of the voice service (*page 5, line 33 to page 6, line 5*), the voice service being

hosted by a voice-service system with each user that is joined to the session

communicating with the voice-service system over a respective communication for voice

input and output (*page 5, line 33 to page 6, line 5 and referring to figure 1, if two visitors

are at the same location at substantially the same time, both visitors would be able to

listen to the voice services*); managing the voice service as a single common dialogue

interaction with all the users joined to the session, each user hearing at least some of

the same voice-service output as all other users (*figure 1, taking the fact that users can

move freely through the room (page 4), two or more users can be at the same place

viewing the same exhibit at the same time. And thus, the control system 9 would

transmit the same voice services regarding that particular exhibit to those users*).

3.   Claims 16 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Allinger (DE Patent No. 19747745) in view of McGrath (US 6259795). The

McGrath reference is relied upon for the teaching of "features" (see new rejection

below) taken as Official Notice set forth in a prior Office Action, mailed 4/28/2005.

4.   Regarding claims 16 and 34, Allinger further disclose a method and system

according to claims 1 and 19, wherein voice service sound output to at least one user

joined to the communication session is through multiple sound output devices in the

form of headphones worn by the user (*figure 1*), but fails to specifically disclose that the

sound output device being controlled in dependence on the relative positions of the user

and entity and rotations of user's head so that the sound output appears to emanate

from the location of said local entity independently of the user's position and head

orientation relative to the entity. However, McGrath teaches a method and system

capable of making sound appears to emanate from the location of the entity/object in

dependence of the user's orientation (*col. 5, line 58 to col. 6, line 67*).

Since Allinger and McGrath are analogous art because they are from the same

field of endeavors, it would have been obvious to one of ordinary skill in the art at the

time of invention to modify Allinger by incorporating the teaching of McGrath in order to

give each user an illusion of sound located in space to make voice service more

enjoying for users.

5.   Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Allinger (DE Patent No. 19747745) in view of Scott et al. (WO 00/30329). This rejection

is set forth in a prior Office Action, mailed 4/28/2005.

6.   Claims 7, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Allinger (DE Patent No. 19747745) in view of England (US Patent No. 6144991).

This rejection is set forth in a prior Office Action, mailed 4/28/2005.

(10) Response to Argument

7.   Applicant argues to traverse prior art rejection based on an argument regarding

"Allinger [fails to] disclose upon a user approaching any entity of the group,

automatically initiating provision of a group-related voice service to that user by joining

the user into a communication session established for the service and common to all

users of the voice service at p. 5, l. 33 - p. 6, l. 5." (page 3, last line to page 4, line 3).

Applicant went on asserting that *"nothing in [the cited] passage that can be understood*

as disclosing a communication session established by a voice service that is common to

a plurality of users and to a plurality of entities that belong to a same group. This

passage, on the contrary, clearly teaches that each user of the Allinger system is

provided with a highly personalized information package that is certainly not common to

any other user, regardless of their physical proximity, because it takes into account

previous factors such as previous path, previous responses, etc." (3rd paragraph on

page 4). Applicant's arguments have been fully considered but they are not persuasive.

The Allinger reference fully anticipates the limitation regarding *"upon a user*

approaching any entity of the group, automatically initiating provision of a group-related

voice service to that user by joining the user into a communication session established

for the service and common to all users of the voice service" in that the system of

Allinger contains "various versions of the same information, for instance at different

language levels, and from different starting point, with respect to the language and

contents" (page 7, lines 3-6) and "standard guided tour" (last 5 lines of page 7). So,

when two different users viewing a particular exhibit, they would hear the same voice

service but may be at different starting points, or the users would just simply hear the

default standard voice service if no voice response from the users (2nd *paragraph on*

page 7). For claim language specifically states that "each user hearing **_at least some_**

of the same voice-service output as all other users" (*referring to independent claims 1*

and 19), Allinger fully anticipates this limitation by playing a default standard voice

service if no voice response from the user (2nd *paragraph on page 7*), or by playing the

same voice service but at different starting points (page 7, lines 3-6).

8.   Applicant also argues to traverse prior art rejection based on an argument

regarding "*Allinger also [fails to] disclose managing the voice service as a single*

common dialogue interaction with all the users joined to the session, each such user

hearing at least some of the same voice-service output as all other users" (2nd

paragraph page 5). Regarding appellant's reference to Albukerk et al. (US 5929848),

this reference is not relied upon for the rejection of the claims. Allinger, however, fully

anticipates this limitation in that the users can move freely throughout the room (page 4,

lines 35-37), two or more users can end up at the same location viewing the same

exhibit at substantially the same time. The control system 9 shown in figure 1 would

transmit the same voice service about the exhibit to both users. The transmitted voice

service could be at different language levels, different starting points, or just the

standard voice service (page 7). Two different users do not have to hear the same

voice service word for word, just at least some of the same voice service as claimed the

base claims 1 and 19.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

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